IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

TAKEN UP WRIT PETITION NO : 14560 of 2004

Between:

Paper Clipping of Eenadu daily Telugu Newspaper dated 11-08-2004, containing the news under the caption, "Death Roar in Nilofuer"

..... PETITIONER

AND

1 The Superintendent, Nilofuer Hospital, Hyderabad
2 The Secretary to the Govt.of A.P., Medical, Health, and Family

Welfare Department, Secretariat, Hyderabad
3 The Commissioner & Special Officer, Municipal Corporation of

Hyderabad, Hyderabad.
4 The Secretary to the Govt.of A.P., Municipal Administration

Department, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that for the reasons stated in the Paper clipping of Eenadu daily Telugu Newspaper dated 11-8-2004 shown as the Petitioner herein this Hon'ble Court may be pleased to issue an Order, direction, or a Writ, more particularly one in the nature of Writ of Mandamus to call for records and remarks from the Respondents herein in and connected to (1) the abnormal number of deaths of children in Nilofuer Hospital, Hyderabad, for instance, 227 deaths of which 163 are of one month old babies in June, and in 274 child mortality 188 are one month old babies in July and the average rate of deaths

is five children per day, and during August, in one day 2, 13 children died, (2) the insufficient number of present beds, and medical staff including doctors, nurses, and other staff to cater the complete medical and health needs of increasing number of children (3) closure of ECG unit after the abolition of user charges, and the collection of Rs.400/- to Rs.450/- as ECG test outside the hospital, (4) lack of repair of lift in the hospital since two years due to which bringing the children, who are seriously ill to the ground floor by steps only, (5) asking the patients concerned persons to purchase the costly medicines from outside the hospital and not reopening the closed units, (6) not granting permission for constructing 150 bed-building by the Government and Municipal Authorities even though "Infosys", a well-known I.T.Company has come forward to give Rupees three crores to meet the shortage of beds in Nilofuer Hospital, and (7) the rates of bribe being collected by the hospital staff like the gateman, fourth class employees, and staff nurses at the rate of Rs.2 to Rs.10/- for entering through main door for admission, Rs.50/- for shifting from emergency ward to general Ward, Rs.350/- for delivery of baby girl, Rs.500/- for delivery of baby boy, Rs.10/- daily for the sweeper, Rs.100/- for bathing baby first time and Rs.250/- for shifting on stretcher, is causing difficulty to the patients and their relatives, due to heavy rush, laxity of amenities and shortage of staff in Niolfuer Hospital, Hyderabad and to pass appropriate orders directing the concerned authorities to take corrective steps in improving all the conditions in the Nilofuer Hospital, Hyderabad.

Counsel for the Petitioner: TAKEN UP CASE – NONE APPEARED

Counsel for the Respondent Nos.1, 3 and 4: None appeared

Counsel for the Respondent No.2: GP FOR MEDICAL HEALTH & FAMI.WELFARE

ORAL ORDER: (per the Hon'ble the Chief Justice)

A news item, which appeared in Eenadu Hyderabad City Edition dated 11th August, 2004, was registered as a taken up petition which made out a case to look into the various points raised as regards functioning of Nilofuer Hosiptal.

Notice was directed to be issued and Sri M.Indrasekhar Rao, Medical Superintendent, Nilofuer Hospital has filed affidavit in reply. It is stated that Nilofuer Hospital for Women and Children is a well-known centre for the care of children in the country serving third generation of children for the last 50 years. Cases from all over the State of Andhra Pradesh and neighbouring States are being received and the hospital has experienced staff, nurses and doctors. As regards the seven points raised in the news item, details have been furnished in the affidavit.

On the first point alleging abnormal number of deaths of children in the hospital, the affidavit in reply states that by passage of time, there has been decrease in the mortality rate as compared to the statistics of the year 2003. We find substantial improvement in the latest statistics. We need not mention here the details of the other statistics but would notice one thing that even as per the reply, the number of new-born cases seeking admission has tremendously increased and because of high risk nature of the referred cases, mortality, generally, is high. Reply affidavit states that however, every effort is being made by the trained staff to cope up with the increased pressure.

As regards the second point viz., insufficient number of present beds and other staff, it is stated that because of the constant growing number of children referred to the hospital, number of representations were made to the Director of Medical Education and ultimately the Chief Minister recently announced increase of bed strength from 300 to 500 with a proposal to construct a new block. It is stated that presently there are 30 qualified pediatricians in the form of Professors, Associate Professors and Assistant Professors but there is need to further enhance

and recruit more doctors in view of the work load. Reply affidavit further states:

> "The need is to create alternate two Pediatrics medical units and one Neonatology unit. The present ratio is one qualified doctor to 20 patients and doubling the number of doctors could be adequate to give high quality care we have sanctioned nurses of 77 and 16 Head Nurses totally 93 and there are about 14 Nurses on deputation drafted from the Hospitals for the care. The Indian Nursing Council norms for the nursing staff is 1:3 which is optimum which means there is need to increase nursing staff by at least 4 times the present strength of 77 nurses so that they are reasonably in sufficient number in each shift."

It is stated that number of letters have been addressed to the Director, Medical Education and a proposal has been submitted to increase the bed strength and other para medical staff.

On the remaining five points, we need not mention about the details. In nutshell, it is stated that close monitoring is being done to ensure quality service to patients and also for the proper maintenance of the hospital. On the point of malpractices of the hospital staff, it is stated that the matter was duly examined by a Committee and some of the persons were suspended, their increments were with-held and they were warned. The nursing staff and Class IV staff were strongly warned and in some cases, disciplinary proceedings have been taken. We take the statements on record and would close the writ petition but with a direction to the State Government to favourably consider the proposals submitted by the Director of Medical Education for providing the requisite infrastructure and increasing the medical and para medical staff in the hospital so that the hospital continues to function as a centre for excellence and achieve the objective of being a state of art hospital in Hyderabad.

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DEVINDER GUPTA, CJ

26-10-2004

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C.V.RAMULU, J

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To

1 The Superintendent, Nilofuer Hospital, Hyderabad
2 The Secretary to the Govt.of A.P., Medical, Health, and Family

Welfare Department, Secretariat, Hyderabad
3 The Commissioner & Special Officer, Municipal Corporation of

Hyderabad, Hyderabad.
4 The Secretary to the Govt.of A.P., Municipal Administration

Department, Secretariat, Hyderabad.

5 2 CCs to the Govt. Pleader for Medical and Health, High Court

Buildings, Hyderabad (OUT).

6 2 CD copies.